

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

EDWIN MELENDEZ,

Defendant.

**DECISION AND ORDER**  
08-CR-142-2S

1. On June 4, 2009, the Defendant entered into a written plea agreement (Docket No. 76) and pled guilty to Count 2 of the Superseding Indictment (Docket No. 34) charging a violation of Title 21, U.S.C. Section 846 (conspiracy to distribute heroin) and admitted to Count 4, a Forfeiture Allegation.

2. On June 4, 2009, the Honorable Jeremiah J. McCarthy, United States Magistrate Judge, filed a Report and Recommendation (Docket No. 78) recommending that Defendant's plea of guilty be accepted and the Defendant adjudicated guilty.

3. This Court has not received objections to the Report and Recommendation in accordance with 28 U.S.C. §636(b)(1)(C) and Local Rule 58.2(a)(3).

4. This Court has carefully reviewed *de novo* Judge McCarthy's June 4, 2009, Report and Recommendation, the plea agreement, transcript of the proceeding, and the applicable law. Upon due consideration, this Court finds no legal or factual error in Judge McCarthy's Report and Recommendation, and will accept Judge McCarthy's recommendation that Defendant's plea of guilty be accepted and that the Defendant be adjudicated guilty as charged.

IT HEREBY IS ORDERED, that this Court accepts Judge McCarthy's June 4, 2009, Report and Recommendation (Docket No. 78) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that the plea of guilty of Defendant Edwin Melendez is accepted, and he is now adjudged guilty of Title 21, U.S.C. Section 846.

SO ORDERED.

Dated: July 23 , 2009  
Buffalo, New York

/s/ William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge